

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **# 10**

CASE NUMBER: SUP 14-204 CC **L.U.C.B. MEETING:** April 10, 2014

LOCATION: Northeast corner of Raleigh Millington and Duncan Roads

COUNCIL DISTRICT: NA

COMMISSION DISTRICT: 1

OWNER OF RECORD / APPLICANT: BANCORPSOUTH Bank, Property Owner
Shelby County Government, Applicant

REPRESENTATIVE: Lee Hinson, Deputy Administrator
Shelby Co. Parks and Grounds Maintenance Dept.

REQUEST: Cemetery for indigent Shelby County residents

AREA: 44.47 Acres

EXISTING LAND USE & ZONING: Vacant land in the CMU-2, CMU-2 (FP), R-8 and RU-2 and RU-3 Districts

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with 17 Conditions

CONCLUSIONS

1. The site is a wooded 44.47 acre tract located at the northeast corner of Raleigh Millington and Duncan Roads in the Memphis Reserve Area.
2. The cemetery will be phased.
3. The Shelby County Cemetery as conditioned will meet the use standards and parking standards for cemeteries and the Special Use Permit criteria contained in the "Memphis and Shelby County Unified Development Code".

Staff: Marion Jones

email: marion.jones@memphistn.gov

AERIAL PHOTOGRAPH WITH ZONING MAP



SURROUNDING USES AND ZONING:

- North:** Vacant land, commercial and residential in the Commercial Mixed Use (CMU-1) District.
- South:** Farmland in the Conservation Agriculture Floodplain [CA(FP)] District.
- East:** Vacant land, single family residential and a church in the Residential Single-Family (R-8) and Residential Urban (RU-1) Districts.
- West:** Farmland in the Conservation Agriculture Floodplain [CA(FP)] District.

PHOTOGRAPHS OF THE SITE

Raleigh Millington Road



View of the Site from Port Harbor Drive



Residential Properties in Raleigh North Subdivision

Port Harbor Drive



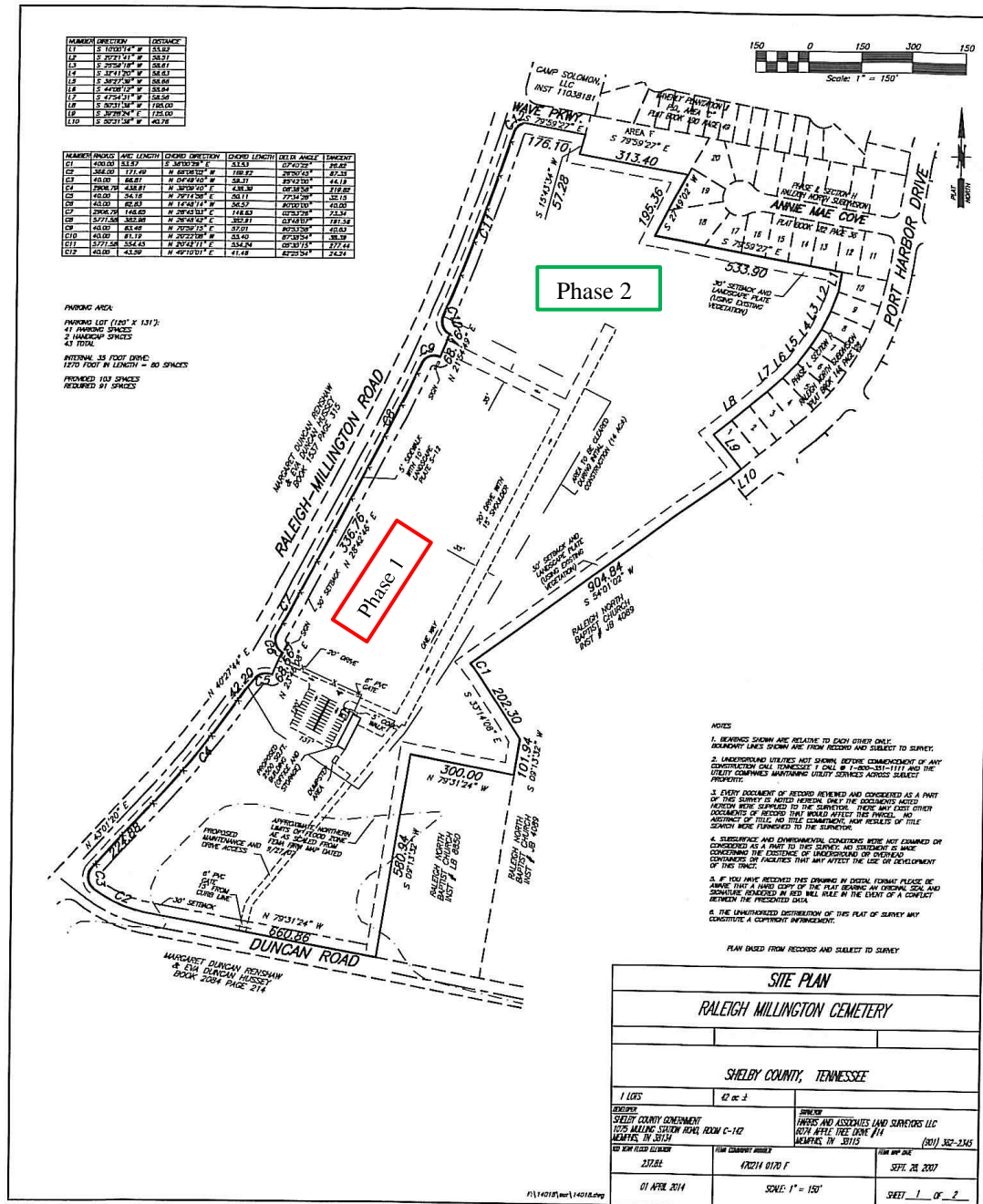
Annie Mae Cove

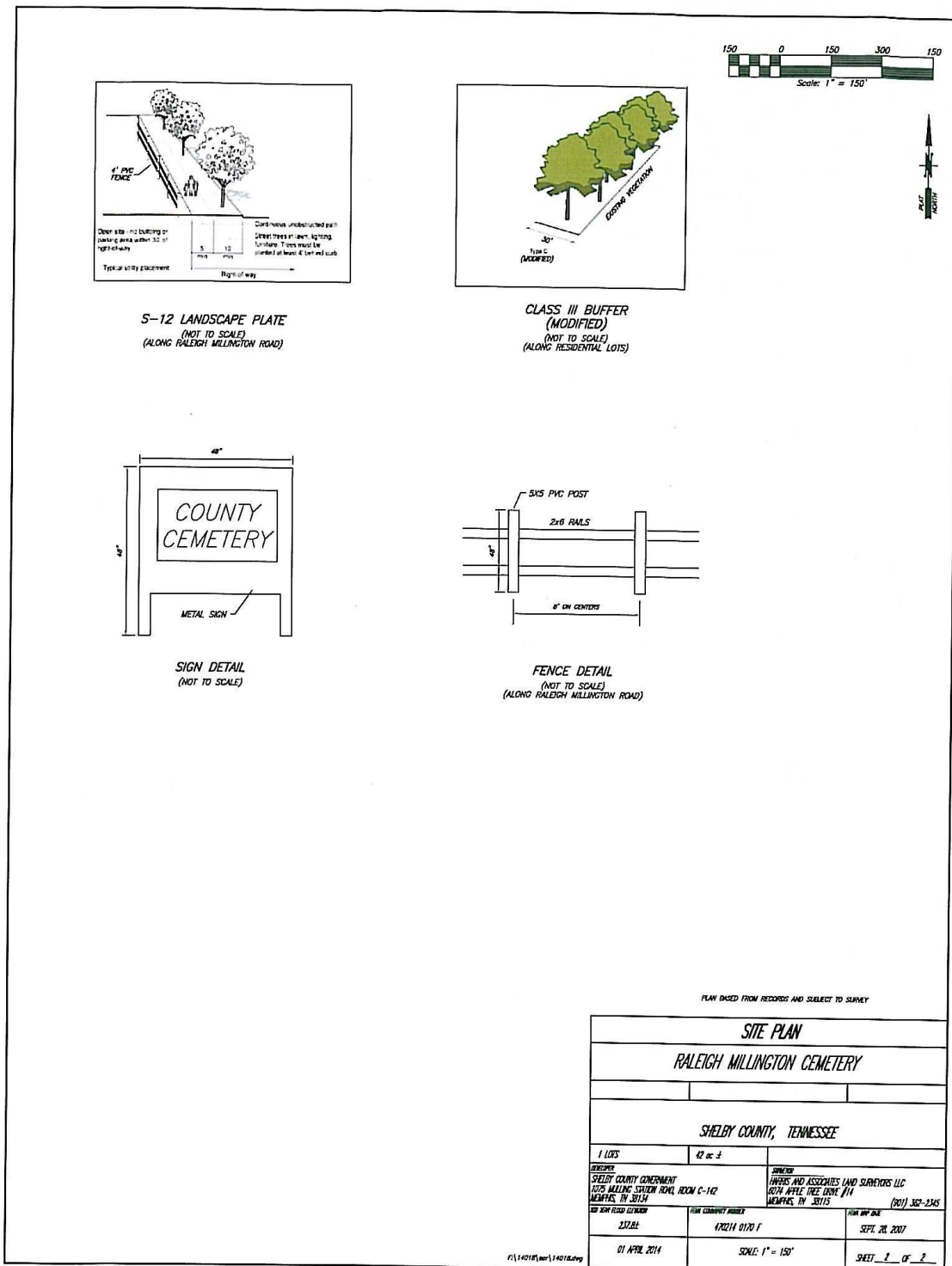


Raleigh North Baptist Church on Duncan Road



Concept Plan/Site Plan





STAFF ANALYSIS

The existing Shelby County Cemetery is located at 8430 Ellison Road. It was created in 1967 and is approximately 24 months from reaching capacity. The cemetery contains two buildings set back from Ellis Road with a small sign in the front along the Ellis Road frontage. There is also a metal building and dumpster located toward the rear of the site. The cemetery is sodded with grass and one side contains a row of crepe myrtle trees adjacent to the paved road. There is a white split rail fence across the front of the cemetery with a gate that can be closed to vehicular traffic after visiting/business hours. As shown in the picture below, visiting/business hours are clearly posted. There is a separate entrance for pedestrians.

In order to be buried in the Shelby County Cemetery, the family must sign a document stating there are no funds for burial. Unlike private cemeteries, there are no funeral services held onsite, no headstones and few ground mounted markers. Below are photographs of the Shelby County Cemetery. It is a modest cemetery with a pastoral feel.

Shelby County Government provides a person onsite Monday through Friday for the majority of the day.



The new site is composed of three parcels and contains 44.47 acres located at the northeast corner of Raleigh Millington and Duncan Roads. The site is located in the Memphis Reserve Area and within 5 miles of the City of Millington and as such, will require approval by the City of Millington.

The three parcels contain five (5) zoning districts-Community Mixed Use (CMU-2), Community Mixed Use Floodplain [CMU-2(FP)], Residential Single-Family (R-8) and Residential Urban (RU-2 & RU-3). The site also contains two recorded General Shopping Center (SC-1) plans that are being revoked as a part of the special use permit approval.

Site Plan

The site plan provides a general layout of the cemetery in terms of phasing, building location and size, parking, landscaping and the private drive system. The applicant is proposing to develop the property in two phases. The first phase is located north of the intersection of Raleigh Millington and Duncan Roads. It is a rectangular

shaped area containing approximately 14 acres that will be cleared and graded. Phase 1 will contain a building adjacent to the loop street with approximately 43 parking spaces. The proposed building will be 2,500 square feet and will contain a small office and an equipment storage area for a mower and backhoe. The landscaping (Plate S-12) along Raleigh Millington Road for this phase, the internal street system and the maintenance drive will also be installed with the initial Phase I improvements. The internal street system will be a one way private drive containing 20 feet wide of unobstructed pavement and a 15 foot shoulder for parking. A white split rail fence made of PVC will be erected along Raleigh Millington Road and two gates will be installed at each entrance to close the cemetery after visiting/business hours. The maintenance drive to the cemetery will be from Duncan Road and will be gated. Phase 1 is expected to provide burial plots for an approximate 30-40 year period.

The balance of the property will be located in Phase 2 and will compose the future burial area. The southern portion of the site located near the intersection of Raleigh Millington and Duncan Roads contains an area located in the flood plain. This area is recommended as open space and will not be used for burial purposes.

Front Setbacks and Height

Paragraph 2.6.2D (5) requires "All graves or burial lots be setback at least 30 feet from each lot line and public right of way." This is consistent with the nonresidential use front setback of 30 feet maximum in Section 3.7.3 for the RU-1,-2,-3,-4,-5 Districts. The front setback for Apartment and Nonresidential for the CMU-2 district contained in Section 3.10.2B is 20 feet. OPD Staff is recommending the burial plots be setback 40 feet from the adjacent single-family residential lot lines. The height for the RU-1,-2,-3 Districts is 45 feet. OPD Staff is recommending a maximum building height of 45 feet for construction of a one story building similar to the buildings at the Ellis Road location.

Signs

Two permanent detached signs are proposed at the entrance and exit along the Raleigh Millington Road frontage. Paragraph 4.9.6 N states:

1. The colors and material of which the sign structure is constructed shall be similar materials and complementary to the structure.
2. A landscaped area, combining a maximum equivalent to two times the area of the permitted sign, shall be installed around the immediate base of the sign. The maximum requirement for landscape area shall be five hundred (500) feet. If the sign is located in the within the landscaped area of streetscape plates S-7, S-8, S-9, S-10, S-11, or S-12, then the landscaping requirements of this sub-section shall be waived.
3. The landscaped area should be irrigated with an underground sprinkler system.

In Mixed Use Districts such as the CMU-2, Sub-Item Paragraph 4.9.7D(2)(b) states:

1. In accordance with Table 1, Detached Sign Area and Height, set out at the end of this chapter.

2. Signs which are not in conformance with the required elements of Sub-Section 4.9.6N shall be reduced in size from the maximum area permitted, in accordance with the following:
 1. A ten (10) percent reduction shall be required when the sign structure is not constructed with the same or substantially the same materials as the building.
 2. A twelve (12) percent reduction shall be required when an irrigated landscape area equivalent to two times the sign area is not provided.

The Standards for Signs in the Open Districts, Residential Districts, and Residential Work (RW) Districts per Paragraph 4.9.7B(2) for Maximum Gross Surface Area states:

The maximum gross surface area of sign in the Open Districts, Residential Districts and Residential Work (RW) District may not exceed twelve (12) square feet, or twelve (12) square feet per acre of the lot, whichever is greater, up to a maximum of thirty-two (32) square feet per sign.

The signs are located in Zone 3 and will be further governed Section 4.9.14

Two signs similar to the sign located at 8340 Ellis Road are requested along Raleigh Millington Road.



Ellis Road Sign

Exemptions/Waivers Requested

The applicant is requesting a waiver from the Landscape Plan required by Section 4.6.3 that states;

A registered Landscape Architect must prepare all landscape plans for all new, non-single family developments of five acres in size or larger except where expressly exempted by the Planning Director. The Planning Director shall weigh the following factors when determining whether a site is exempt from this requirement: the size of the site, whether the project involves construction of new buildings or additions to

buildings, the existing and proposed use of the site and whether the site is adjacent to single-family residential uses.

The applicant is proposing a 30 foot wooded buffer be retained adjacent to the single-family residential development in Phase 2. As shown in the pictures of the site on pages 3 and 4, the site is heavily wooded. The applicant retained an arborist to walk the site and determine if there were any significant trees that need to be retained that would add to the character of the cemetery. There were no significant trees on site. OPD Staff weighed the following considerations:

- The size of the site and the tree cover to remain until Phase 2 is constructed,
- The location of the 2,500 square foot building and its proximity to Raleigh Millington Road,
- The proposed use of the site as a cemetery that will resemble a park or similar open space, and
- The applicant's agreement to install the required landscaping or submit an alternative to be approved by the Planning Director.

Based on the factors indicated above and the landscaping shown on the site plan, OPD staff is recommending this waiver be granted. OPD Staff is recommending that as trees die or are destroyed in the 30 foot wooded buffer between the cemetery and the residential lot lines, the applicant will plant replacement trees that are an equal mixture of evergreen and deciduous trees.

The second waiver requested by the applicant is to Bicycle Parking required by Paragraph 4.5.3C(5):

The Planning Director may grant an administrative deviation from the required bicycle parking requirement of this Sub-Section if the applicant has shown that there are either physical site conditions that make the installation of bicycle parking impractical or the proposed use, by its nature, is anticipated to generate a lesser need for bicycle parking. Uses include, but are not limited to drive-in theaters, funeral homes, mini-storage, and retail uses consisting primarily of bulky merchandise such as tire and furniture stores.”

Given the proposed use of the property as a cemetery and the nature of the use do not create a need for bicycle parking, OPD Staff recommends approval of this request.

Required Parking

As shown on the site plan, the proposed street system and the parking area around the building will provide 103 parking spaces. Ninety-six (96) parking spaces (13,000 burial plots divided by 150 = 87 spaces + 8 = 96) are required for the initial phase of the cemetery. Handicap spaces are include in the total number of parking spaces available.

Public Infrastructure

There is a 16" water main in Raleigh Millington Road. Sanitary sewer may be available from Port Harbor Drive depending on the topography. No road dedication or improvements are required including drainage improvements.

The application meets the Special Use Permit Criteria, and the use standards and parking requirements for a cemetery as described below.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application.

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare (UDC Sub-section 9.6.9A).
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC Sub-section 9.6.9B).
- The project will be served by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC Sub-section 9.6.9C).
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance UDC Sub-section 9.6.9D).
- The project complies with all additional standards imposed on it by particular provisions authorizing such use (UDC Sub-section 9.6.9E).
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of adjacent properties (UDC sub-section 9.6.9F).

Use Standards

Under the Memphis and Shelby County Unified Development Code Sub-Section 2.6.2D, the proposed Shelby County Cemetery is subject to certain Use Standards:

D. Cemetery, Mausoleum

- 1. Special Use Permits for new cemeteries and the expansion of existing cemeteries within the City of Memphis must be approved by the Shelby County Board of Commissioners and the City of Memphis. Special Use Permits for new cemeteries and the expansion of existing cemeteries in unincorporated Shelby County must be approved by the Board of County Commissioners and the legislative bodies of municipalities within five miles of the cemetery.*
- 2. New cemeteries must be located on sites of at least ten acres.*
- 3. A mausoleum which is not located in a cemetery shall be located on a site of at least two acres.*

- 4. All structures located in a cemetery of six feet in height or over including, but not limited to mausoleums, monuments and buildings and all mausoleums not located in a cemetery and regardless of height shall meet the setbacks of the zoning district.*
- 5. All graves or burial lots shall be set back at least 30 feet from each lot line and public right-of-way.*
- 6. A Class III buffer (see Section 4.6.5) shall be established along any side of the property adjacent to residential use.*
- 7. A cemetery shall not obstruct the development of any arterial or connector street proposed in the MPO Long Range Transportation Plan.*
- 8. Chapter 405 of the Private Acts of 1925 and Title 46, Chapter 1 of the Tennessee Code Annotated further regulates the location, establishment and operation of cemeteries.*

Section 4.5.3 Parking Ratios

| Use Category | Specific Use | Minimum Parking Spaces |
|-----------------|--|---|
| Park/Open Space | Cemetery, mausoleum, columbarium, memorial park including pet cemetery, burial grounds | 1.0 per 150 plots plus 1.0 per 350 SF office area |

SF=Square Feet

RECOMMENDATION: Approval with 17 Conditions.

SITE PLAN CONDITIONS:

1. The applicant shall re-record the approved general plans for the Raleigh North Shopping Center recorded in Plat Book 57, Page 30 and Raleigh Millington Shopping Center recorded in Plat Book 78, Page 36 to indicate the general plans are being revoked.
2. The special use permit entitlement for a cemetery for indigent Shelby County residents is for the entire 44.47 acre site; however, the applicant will submit a site plan for each phase for site plan review by the Memphis and Shelby Office of Planning and Development.
3. The applicant will be exempt from providing a Landscape Plan as required by Section 4.6.3.
4. Landscape Plate S-12 or an equivalent alternative approved by the Planning Director of the Memphis and Shelby County Office of Planning and Development shall be provided along the entire Raleigh Millington Road and Duncan Road frontages. Each phase will dedicate the required landscaping.
5. A Class III buffer per Section 4.6.5 or an equivalent alternative approved by the Planning Director of the Memphis and Shelby County Office of Planning and Development shall be established and maintained along any side of the property adjacent to residential use. If trees die or are destroyed, the applicant will plant replacement trees that are an equal mixture of evergreen and deciduous trees.
6. Two curb cuts will be permitted along the Raleigh Millington Road frontage subject to the approval of the Shelby County Engineer.

7. One curb cut will be permitted along the Duncan Road frontage subject to the approval of the Shelby County Engineer.
8. All graves or burial lots shall be setback 40 feet from single-family residential lot lines.
9. No building shall exceed 45 feet in height.
10. The applicant is exempt from Paragraph 4.5.3.C (5) since that nature of the cemetery is not anticipated to create a need for bicycle parking.
11. All signs shall be governed by Chapter 4.9 of the "Memphis and Shelby County Unified Development Code".
12. All fencing shall comply with Paragraph 4.6.7E(5) or an alternative may be approved by Planning Director of the Memphis and Shelby County Office of Planning and Development.
13. The entrance gates along Raleigh Millington Road and Duncan Road will meet the requirements of Section 4.4.8 Guardhouses and Gates.
14. No interior lighting is permitted.
15. The location of all dumpsters and trash receptacles shall be shown on the site plan and the screening treatment shall be subject to the approval of the Planning Director of the Memphis and Shelby County Office of Planning and Development.
16. The applicant will submit grading and drainage plans to the Shelby County Engineer for review and approval, and will provide improvements as required by the Shelby County Engineer.
17. Site Plan: The site plan will incorporate the conditions listed above and shall provide the following:
 - Scale of 1 inch equals 100 feet or a smaller scale approved by the Planning Director of the Memphis and Shelby County Office of Planning and Development.
 - Delineate and label the various zoning districts on the property.
 - Provide the FEMA flood panel number, the limits of the floodplain, and the 100 foot building elevation.
 - Delineate and label all existing and proposed easements and indicate if the easement is public or private.
 - Label all phases by use of dimensions and calls and bearing. Provide the acreage for each section.
 - Locate all buildings proposed showing the elevation, building material, square footage and use of each.

GENERAL INFORMATION

Street Frontage: 2,549+/- Feet along Raleigh Millington Road
832+/- Feet along Duncan Road

Planning District: Millington

Census Tract: 202.22

Annexation Reserve Area: Memphis

Zoning Atlas Page: 1440 an 1540

Parcel ID: D0137 00030, D0137 00033, & D0137 00089

Zoning History: N/A

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

No comments or objections to the request.

County Engineer:

County engineering does not require any road dedication or improvements and no drainage improvements.

Shelby County Fire Department:

A minimum of 20 of unobstructed roadways is required for the private drive system.

City Fire Division:

The applicant shall fully comply with all applicable codes and ordinances.

All comments expressed or implied shall not remove the applicant or their envoy's responsibility to adhere to all applicable codes and ordinances.

Comments for any fire protection requirements shall be given as construction documents are submitted to Memphis Fire Prevention.

Shelby County 911:

No comments received.

City/County Health Department-

Water Quality Branch & Septic Tank Program: No comments received.

Shelby County Schools:

No comment.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **Street Names: It is the responsibility of the owner/applicant** to contact MLGW-Address Assignment @729-8628 and submit proposed street names for review and approval. Please use the link to MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search:** <http://www.mlgw.com/builders/landmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **No permanent structures** will be allowed within any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW easement or dedicated utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T/Bell South:

No comments received.

OPD-Regional Services:

The staff of the Memphis MPO has reviewed the application for special use permit referenced above and has found no conflicts with the proposed uses in regards to any planned or programmed transportation projects through the MPO's FY 2014-17 Transportation Improvement Program (TIP) or Direction 2040 Long Range Transportation Plan (LRTP). The MPO's comments on the review are included below.

Raleigh Millington between Duncan and Waverly Farms

Raleigh Millington Road at this location is a four lane road with curb and gutter. There is a bike lane/sign shared roadway running the length of the site as well. There are no

current or future projects in either the FY 2014-17 TIP or the Direction 2014 LRTP at this immediate location. There is a repaving project in the FY 2014-17 TIP, including bicycle and pedestrian facilities, to the north within Millington. South of the site, from Fite Road to Egypt Central Road, the Direction 2014 LRTP shows a project in the 2020 horizon year to widen Raleigh Millington from 2 to 4 lanes; this would be consistent with the design adjacent to the site in question. There are no conflicts between the proposed use and any planned or programmed transportation projects through the Memphis MPO.

City of Millington:

No comments received.

Application



Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

APPLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

Date: _____

Case #: SUP14-204CC

PLEASE TYPE OR PRINT

Property Owner of Record: BANCORPSOUTH BANK Phone #: 901-762-0369
Mailing Address: 6363 Poplar, Suite 221 City/State: MEMPHIS, TN Zip 38119
Property Owner E-Mail Address: TY.STAMPS@BXS.COM
Applicant: SHELBY COUNTY GOVERNMENT Phone #: 901-222-7801
Mailing Address: 1075 MULLINS STATION, Rm. C-142 City/State: MEMPHIS, TN Zip 38134
Applicant E-Mail Address: LEE.HINSON@SHELBYCOUNTYTN.GOV
Representative: LEE HINSON, DEPUTY ADMINISTRATOR Phone #: 901-222-7801
Mailing Address: 1075 MULLINS STATION, Rm C-142 City/State: MEMPHIS, TN Zip 38134
Representative E-Mail Address: LEE.HINSON@SHELBYCOUNTYTN.GOV
Engineer/Surveyor: HARRIS + ASSOCIATES Phone #: 901-362-2345
Mailing Address: 6074 Apple Tree Dr. City/State: MEMPHIS, TN Zip 38115
Engineer/Surveyor E-Mail Address: decsurvey@gmail.com
Street Address Location: O RALEIGH - MILLINGTON RD.
Distance to nearest intersecting street: RALEIGH MILLINGTON RD. AT DUNCAN RD.

| | Parcel 1 | Parcel 2 | Parcel 3 |
|---------------------------|-----------------|-------------------------|-----------------|
| Area in Acres: | <u>7.34</u> | <u>28.55</u> | <u>8.58</u> |
| Existing Zoning: | <u>CMU-2</u> | <u>CMU-2, R-8, RV-3</u> | <u>CMU-2</u> |
| Existing Use of Property | <u>VACANT</u> | <u>VACANT</u> | <u>VACANT</u> |
| Requested Use of Property | <u>CEMETERY</u> | <u>CEMETERY</u> | <u>CEMETERY</u> |


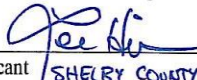
Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes _____ No X

Pre-Application Conference held on: 1/24/2014 with JOSH WHITEHEAD

Neighborhood Meeting Requirement Met: Yes _____ No X
(If yes, documentation must be included with application materials)

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

| | | | |
|---|---------|--|-----------|
|  | 2/26/13 |  | 2/26/2013 |
| Property Owner of Record | Date | Applicant | Date |
| 14 STAMP, SVP BANKERS SOUTH | | SHELBY COUNTY GOVERNMENT | |

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD. After consultation with an OPD staff member and obtaining his/her signature on the application a full application may be submitted.

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6 Special Use Permit

Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review by the governing bodies (9.6.1A).

A special use permit is required for all special uses as set forth in Chapter 2.5, Permitted Use Table, unless a waiver is obtained under the terms of Section 9.6.6 (9.6.1B).

A special use permit is also required for all planned developments (9.6.1C).

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).



Shelby County Government

Mark H. Luttrell
Mayor

February 27, 2014

**Memphis and Shelby County Office of Planning and Development
125 North Main Street, Suite 468
Memphis, TN 38103**

LETTER OF INTENT

Shelby County Government (SCG) desires to purchase and operate a cemetery for indigent Shelby County residents at the real property located generally at the northwest corner of Raleigh-Millington Road and Duncan Road in unincorporated Shelby County. This property is composed of three separate parcels totaling approximately 44.5 acres. The Shelby County Cemetery is currently located at 8340 Ellis Road in Bartlett, Tennessee. This cemetery was established in 1967 and is nearing capacity requiring SCG to expand the operation to another location to continue to offer this service.

SCG intends to initially clear less than one half of the property for beginning operations and it is believed that this will satisfy service needs for several years. It is our intent to maintain a tree lined buffer between the subject property and adjacent properties. The operation of this cemetery will have a little or no effect on surrounding properties.

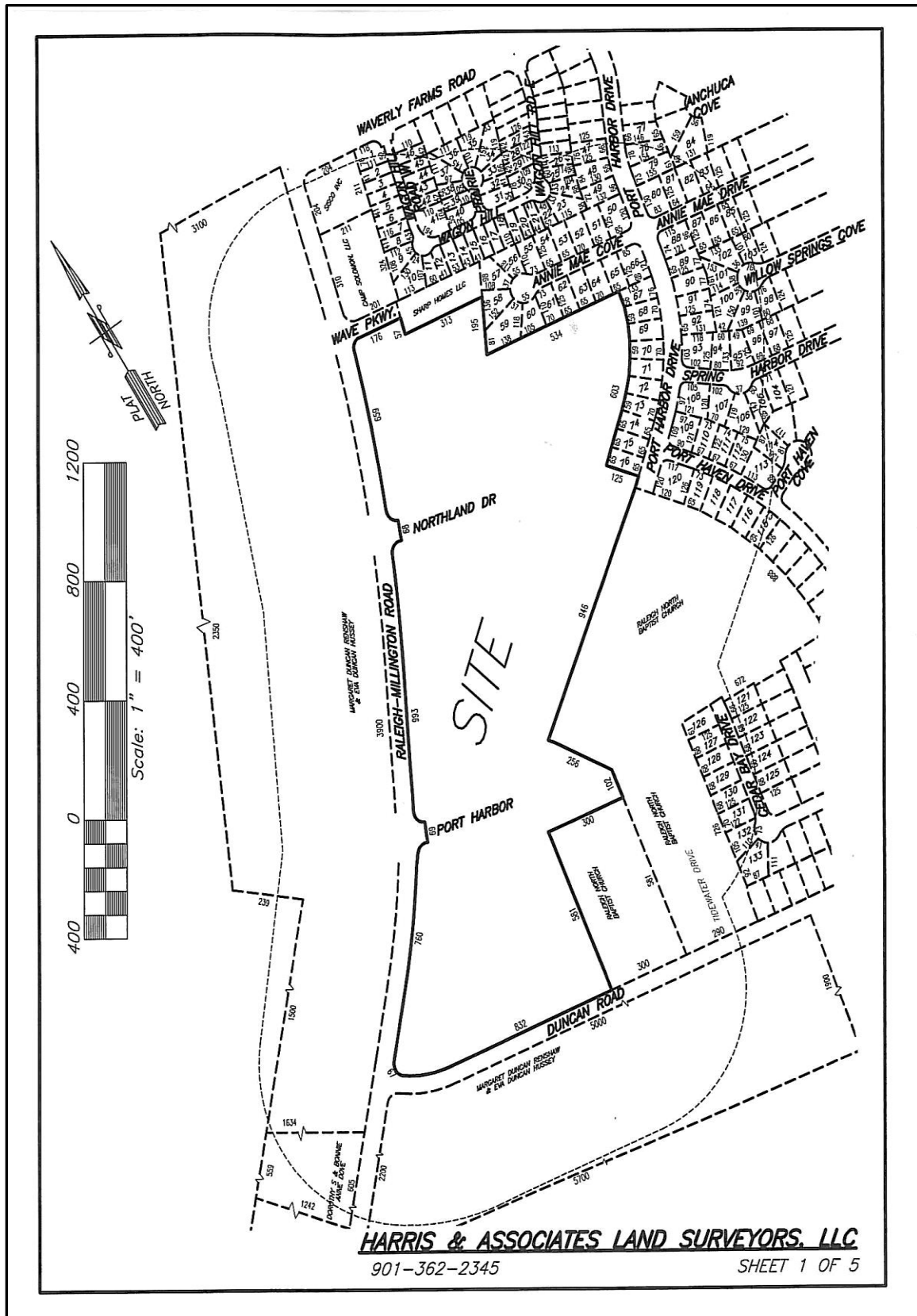
The only professional consultant associated with this application is Harris & Associates Land Surveyors, LLC.

Thank you for your consideration of this application.

A handwritten signature in blue ink, appearing to read "Lee Hinson".

**Lee Hinson
Deputy Administrator**

Shelby County Parks and Grounds Maintenance
1075 Mullins Station Road – C142
Memphis, TN 38134
(901) 222-7800



OPD Staff has received numerous telephone calls from neighbors inquiring about the special use permit and expressing their comments.

Correspondence from Residents:

Email from Tony Mitchell received on 4/2/2014

As a resident of this community, let me say that I strongly protest the rezoning of the property at Northeast corner of Raleigh Millington and Duncan road to allow for a cemetery for indigents. The negative impacts to the community and it's residents would be far reaching. The residents of this community would feel these negative impacts, however, I am sure that the members of the Shelby County government that want this would NOT be impacted in the least. That is why it is easy for them to select our community. If they want this cemetery so bad, why don't they put in their own backyard instead of the yards of people that don't want it?

As it stands now, the Shelby County government does not even take care of the existing obligations in this area. We have massive flooding problems due to substandard drainage and no maintenance or upkeep on that. Countless homes and property have been destroyed from floods of the last few years. The roads have not been repaved or maintained in years. Potholes are not filled for months. And the grass does not get cut, with the exception of a small section that a small group of community members maintains voluntarily, on their own time and at their own expense.

If the Shelby County government cannot maintain all of this, how do they expect to maintain a cemetery?

Their property values will not suffer for this, their community will not become an eyesore, but ours will because they don't care about anyone else.

The government exists to serve the people.....not reign over us.

I fear I write this in vain, because, even if they do read these (I doubt they will), it will fall on deaf ears and once again prove that people get into government for selfish reasons and personal agendas.

From: Angelaras, Michael (US - Jericho) [<mailto:mangelaras@deloitte.com>]

Sent: Tuesday, April 01, 2014 11:35 AM

To: Hinson, Lee

Subject:

I oppose the proposed cemetery in millington it would be detrimental to our property values and we have more than our fair share of community buildings in our neighborhood such as houses of worship we are not sharing the burden with other suburbs.

Sent from my iPhone

Good Afternoon Ms Jones

I am one of the home owners in the Raleigh North neighborhood that will be directly

impacted by the action purposed in the letter below.

I do plan on taking time off work to be at the meeting on April 10th.

I see no benefit from this action, to the homeowners in this area.

What I feel with happen....our property values will go down, crime will go up, and the rain water that usually stays in the woods during storms will wind up in the neighborhoods around the cemetery.

What will protect the home owners from the problems this project will cause?

What will keep the Raleigh North & Waverly Plantation areas from becoming the next blighted eyesores in Shelby County when the owners are not able to sell their houses because a Potters Field is what prospective buyers see first when they are thinking of buying in this area?

Shelby County has farmland and other undeveloped areas away from established housing that could be used to create the cemetery that is being purposed. Why punish the home owners in these two neighborhoods when this project could be developed in areas where it would not cause problems at all?

I have owned my house since 1979. I know the site selected has been for sale for years & years. Is this a cheap land deal for the county? Does the county already own the land due to unpaid back taxes? Is the county going after this site because the county knows that most of the folks living in this area will not have the funds to hire someone to fight this in court?

I look at the letter below and wonder how the people that plan to do this to us...The Land Use Control Board, The Memphis City Council, & Shelby County Board of Commissioners would react if it was purposed that land near their houses was going to be turned into a Potters Field? My guess is that the phones in the offices downtown would melt down from all calls from public officials as they warned those in charge that they better not even think about putting this in their back yards!!

I pay my taxes here so good things might happen....it looks like the officials involved in this are interested in the money...not the people.

Thank You
Jay Brown
5795 Cedar Bay Dr
Millington, TN 38053
H - 901-873-2645 W - 901-873-9083
03/31/14 5:25 PM CST

NOTICE OF PUBLIC HEARING
TO ALL INTERESTED PROPERTY OWNERS

The MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD will hold a public hearing on the following SPECIAL USE PERMIT application:

CASE NUMBER: SUP 14-204 CC
LOCATION: Northeast corner of Raleigh Millington and Duncan Roads
(SEE PROPERTY OWNERS MAP ON REVERSE SIDE)
APPLICANT: Shelby County Government
Shelby County Parks & Grounds Maintenance Department
(Lee Hinson)
PROPERTY SIZE: 44.47 Acres
EXISTING ZONING: Commercial Mixed Use (CMU-2), Commercial Mixed Use Floodplain (CMU-2 (FP)), Residential Single-Family (R-8), and Residential Urban (RU-1,-2,-3) and RU-2(FP) Districts

REQUEST: Construct a cemetery for indigent Shelby County residents

The following **PUBLIC HEARING DATE** is required as part of the approval process. All interested parties are encouraged to attend.

THE PUBLIC HEARING WILL BE HELD

DATE: Thursday, April 10, 2014
TIME: 10:00 a.m.
LOCATION: City Hall Council Chambers, First Floor, 125 N. Main St.

THE EXECUTIVE SESSION WILL BE HELD

DATE: Thursday, April 10, 2014
TIME: 9:00 a.m.
LOCATION: Conference Room 477, City Hall, Fourth Floor, 125 N. Main St.

The Land Use Control Board makes recommendations to the Memphis City Council and Shelby County Board of Commissioners pertaining to the use of land and, in some cases, conditions of said use. The City Council and County Commission make the final determination on any recommendation made by the Board.

Unless you care to speak for or against this case, it is not necessary for you to be present. You may write the Office of Planning and Development at the address at the bottom of this notice, stating the reasons for your support or opposition to the request or email your comments to marion.jones@memphistn.gov. While the executive session is a public meeting and is open to the public, public comments will not be heard at the executive session. Public comments will be reserved until the public hearing.

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
125 NORTH MAIN STREET, ROOM 468
MEMPHIS, TENNESSEE 38103-2084 PHONE (901) 576-7181

2012 Public Notices on 3/24/2014

